

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE GUTHRIE CLINIC,

Plaintiff,

v.

CONVERGENCE CT INC.,

Defendant.

No. 4:23-CV-01396

(Chief Judge Brann)

ORDER

NOVEMBER 3, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant's Motion for a More Definite Statement (Doc. 2) as to Count I, Count II, and Count III is **DENIED**.
2. Defendant's Motion to Dismiss (Doc. 2) is **GRANTED** in part and **DENIED** in part. The motion is granted to the extent that Count IV is **DISMISSED** with prejudice and Count V is **DISMISSED** without prejudice. The motion to dismiss is otherwise **DENIED**.
3. Defendant's Motion to Strike (Doc. 2) regarding:
 - a. Paragraphs 102, 103, and 111 is **DENIED**;
 - b. The demand for attorneys' fees in Count I is **GRANTED**;

- c. Paragraph 112 is **GRANTED IN PART**. Paragraph 112 shall read as follows: “CCT’s complete refusal to cooperate with Guthrie is a breach of the implied covenant of good faith and fair dealing”;
 - d. The demand for attorneys’ fees in Count V is **DISMISSED AS MOOT**.
4. Plaintiff may, if it chooses, file an amended complaint on or before November 17, 2023. Should Plaintiff decline to file an amended complaint, Defendant shall file an answer on or before December 1, 2023.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge